

## REPORT

*Of the Committee of Claims in the case of Joseph Janney.*

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JANUARY 5, 1824.

Read, and ordered to lie upon the table.

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JANUARY 7, 1824.

Committed to a committee of the whole House to-morrow.

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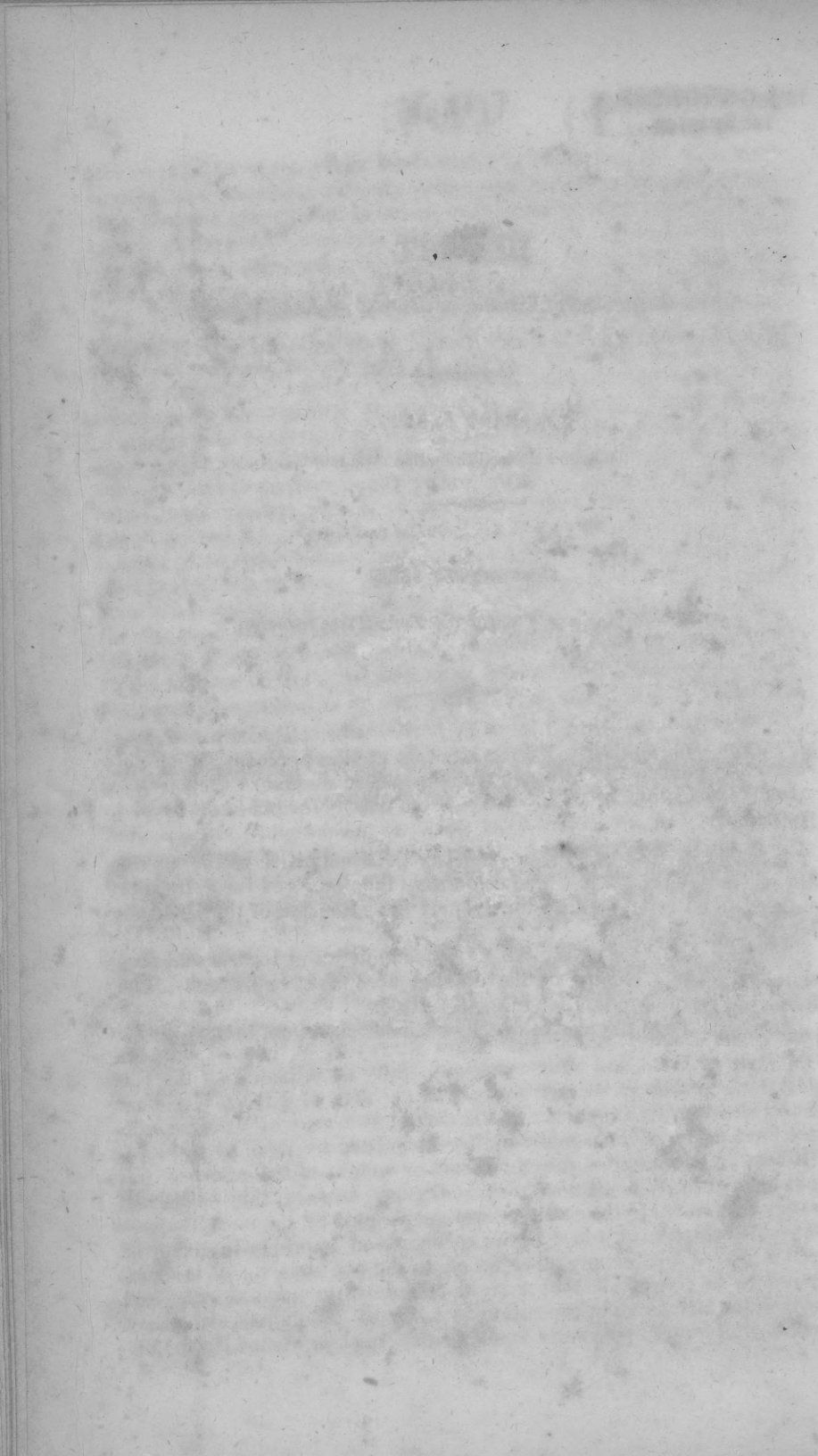
The Committee of Claims, to whom was referred the petition of Joseph Janney, of Virginia,

### REPORT:

A report in this case, was made by the Committee of Claims the 3th of December, 1818. The committee then believed the petitioner entitled to no relief, and to that report the attention of the House is respectfully invited.

Nothing has been presented to the committee, at the present session, to induce a change of the opinion heretofore expressed. The following resolution is, therefore, submitted:

*Resolved,* That the prayer of the petitioner ought not to be granted.



[To be annexed to the report of the Committee of Claims in the case of Joseph Janey, made 5th January, 1824.]

*To the Honorable the Senate and House of Representatives of the United States in Congress assembled:*

Your petitioner represents that, in the year 1814, about the last of November, a British force, consisting of armed vessels and troops, ascended the Rappahannock, with a view, it was believed, of plundering the town of Tappahannock. That, after having effected their object, and set fire to the public buildings at that place, they descended the River, on the 4th of December, and, on the evening of that day, landed at a place called Bowlers, which is owned by your petitioner, and forced a company of militia, which had been stationed there by order of the Colonel Commandant of the county, to retreat; after which, they set fire to the dwelling house, granaries, and other buildings, which were, in consequence, entirely consumed. As, during the incursion of the enemy up the Rappahannock, although they landed at various places, they confined themselves to burning public houses, your petitioner believes they were induced to destroy his buildings solely because they were occupied by troops, and contained arms and other military stores, and he therefore prays your honorable body to take his case into consideration, and to allow him such compensation for the destruction of his property, as you may, in your wisdom, think proper. And your petitioner will therefore pray, &c.

JOSEPH JANEY.

#### CASE OF JOSEPH JANEY.

Joseph Janey claims payment for a dwelling house, a store house, two granaries, and various other property, which were destroyed by the enemy at a place called Bowlers, in the county of Essex, and state of Virginia, in consequence, as he alleges, of the occupation of the aforesaid buildings as barracks for a military force, by order of an officer of the United States; and, in support of his claim, he offers the following testimony:

*Evidence as to the occupation of the buildings as barracks, and as to the destruction of the property.*

Archibald Ritchie, Lt. Col. commandant of the sixth regiment of Virginia militia, states, that he received information, on the 30th of November, 1814, that the enemy were ascending the river Rappahannock, doubtless with a view to seize upon and plunder the town of Tappahannock—that he, the same evening, repaired to Tappa-

hannock, and, soon after his arrival, directed Major Samuel Muse to issue an order to the claimant (then commandant of a company of militia) to assemble his company, and to station it at the place called Bowlers, on the Rappahannock, about ten miles lower down the river than the town—that the claimant, in obedience to the aforesaid order, did promptly assemble his company, to watch the movements of the enemy, to protect the farms in the neighborhood from pillage by the marauding parties of the enemy, and to prevent the negroes from seizing the boats on the river and going off to the enemy—that the claimant remained with his command at Bowlers, until the 4th December, the day on which the enemy descended the river; and until he was driven from his position by superior numbers of the enemy—that the enemy took possession of the place called Bowlers, in the afternoon of the 4th—that all the houses at that place were the property of, and occupied by, the claimant—that the claimant's company was barracked in some of the houses, and that all, or the greater and most valuable part of the houses were burned by the enemy on the evening of the aforesaid 4th December, 1814.

John Saddler states, that he was ensign in the claimant's company, and stationed at Bowlers at the time the British came to the river Rappahannock, in December, 1814—that the said company occupied the houses at Bowlers, belonging to the claimant—that he saw an order from Major Samuel Muse, who acted under the authority of Col. Ritchie, directing the claimant to assemble his company, and remain at Bowlers until further orders, with a view partly to watch the movements of the enemy—that the claimant, with his company, did assemble and remain at Bowlers till Sunday, the 4th of December, 1814, when they were driven from the ground by superior force of the enemy, except for a small space of time, when the claimant had started for Tappahannock, but, on meeting Capt. Layton, who delivered orders from Col. Ritchie to remain at Bowlers, he immediately returned with his company.

Charles G. Layton states, that he knows the houses of the claimant were occupied by a company of militia, under the order of the colonel commandant of Essex county—that when he waited on the colonel to get a flag to go down for his vessel, which the British had taken, the colonel told him to tell the claimant to remain at Bowlers until further orders; that, on his return to Bowlers, he met the claimant and his company going to Tappahannock, where the colonel was; and that, as soon as he delivered the orders from Colonel Ritchie, the claimant returned to Bowlers with his company, and there remained, till driven from his ground by superior force of the British, when they immediately put fire to the buildings.

Francis Smith states, that he was attached to the claimant's company, and joined it about the 1st December, 1814, at the place called Bowlers; that, during the stay of the company there, they had the use of the claimant's houses for their accommodation, viz: the dwelling house, store house, and cabins, and some of the men slept in one of the granaries, in all which they slept, kept their arms, ammuni-

tion, and baggage; that he understood they were stationed at Bowlers in consequence of orders from the colonel commandant, and thinks he saw an order to that effect; that, on Sunday evening, the 4th December, they were compelled, by superior force, to retreat and abandon their post; that the enemy immediately took possession, and burnt and destroyed whatever they found; and that he believes the houses would not have been burnt, if they had not been occupied by the said company.

Richard Barnes states, that, in the month of December, 1814, a few days after the British expedition of light vessels had descended the river Rappahannock, he rode to Westmoreland Court House on private business; that, while he was at the Court House, he was in company with Lieutenant Anson, of the British navy, who, in the course of conversation on the conduct then pursued by the enemy, openly advocated all the acts and outrages committed by his countrymen, and appeared particularly to justify the burning of some of our villages and dwellings, as measures of retaliation for alleged outrages said to have been committed by our forces on the Canada frontier; and that, on inquiry from him, (Mr. Barnes) as to their motive for burning the claimant's houses, Lieutenant Anson replied, that the claimant had made barracks of his house or houses.

*Evidence as to the value of the buildings, and as to the species, quantity, and value, of the other property destroyed therein.*

William Oliver and James Cauthern, master workmen, and skilled in the art of building houses, state, that the houses belonging to the claimant at Bowlers, destroyed by the British, namely, one dwelling house, one store house, and two granaries, were worth, at the time of their destruction, \$4,300; and that the walls, and other parts remaining of those houses, are worth \$300.

Thomas Collins, jun. states, that he was the principal clerk of the claimant at the time the British destroyed the property at Bowlers; that he was well acquainted with all the property in the store, dwelling, and ware houses; that, at the time of their destruction, he knew there were in them, 80 barrels of corn, 140 bushels of beans, 30 bushels of peas, 170 bushels of wheat, a pair of scales, four half bushel measures, 100 bushels of salt, a parcel of stone ware, one barrel of rectified whiskey, one barrel of linseed oil, some common whiskey, some apple brandy, several articles in the store, and many articles of furniture in the dwelling house; all of which were destroyed or taken off by the British at the time of burning the aforesaid houses; and that, from a calculation, he believes the said articles were worth \$1,340 25.

Charles G. Layton states, that he was in the employment of the claimant at the time the British destroyed the buildings at Bowlers, and was acquainted with the most of the contents of the warehouses, in one of which he knew there were 80 barrels of corn, 140 bushels of beans, 30 bushels of peas, 170 bushels of wheat, a pair of scales, four

half bushel measures, and 100 bushels of salt; and that he knew there were several articles in the other warehouse, but does not know particularly what they were.

**SUMMARY OF FACTS.**—*The Claim is for \$ 7,655 75.*

It is satisfactorily proved that the dwelling house, store house, cabins, and one of the granaries, belonging to the claimant, at a place called Bowlers, on Rappahannock river, in Virginia, were occupied as barracks, previous to, and at the time of, their destruction by the enemy, for the military force of the United States, pursuant to orders of officers belonging to the militia of the state of Virginia.

It does not appear that another granary at the same place, belonging to the claimant, was actually occupied as barracks; but being, it is presumed, regarded by the enemy (who do not appear to have made nice distinctions) as appurtenant to the same military post, it was also burnt with the other buildings.

In the estimate of damages, this granary is comprehended with the other buildings; which, after deducting the value of the ruins, are stated to have been all worth - - - \$4,000 00

The estimate, by the witnesses, of furniture and other goods in the houses, amounts to - - - 1,340 25

\$ 5,340 25

The claimant, however, estimates himself his loss, in personal property only at \$ 1,155 75, which would reduce the aggregate loss to \$ 5,155 75.

The claimant, though of foreign birth, is represented to have been a strenuous, brave, and faithful officer, during the late war, and to have merited the particular notice of Commodore Porter, at the White House.

All which is respectfully submitted.

RICHARD BLAND LEE, C. C. &c.

*Office of Claims, &c.*

*Washington, December 8, 1817.*

BOWLERS, ESSEX COUNTY, VIRGINIA,

*December 22, 1816.*

The United States,

To Joseph Janey,

Dr.

For the destruction of four houses by the enemy, while they were occupied as military deposits by United States' troops, and destroyed by the enemy in consequence of such occupancy - - - \$6,500 00

For valuable goods, merchandise, &c. which were in the house at the time, and could not be removed under the existing circumstances

1,155 75

\$7,655 75

I do hereby certify, that the above account is accurate and just, and that the property lost by me at a place commonly called Bowlers, Essex county, Virginia, on the 4th December, 1814, was destroyed in the manner, and by the enemy, as I have set forth in the above account.

JOSEPH JANEY.

Witness,

PERRIN WILLIS, *Cik.*

Be it known, that, pursuant to a law of the United States, entitled "An act to authorize the payment for property lost, captured, or destroyed, by the enemy, while in the military service of the United States, and for other purposes;" passed on the 9th day of April, 1816, that I, Richard Bland Lee, duly appointed by the President of the United States, by and with the advice and consent of the Senate, commissioner, to decide on certain cases arising under the aforesaid act, reposing special confidence in your honesty, ability, and diligence, have constituted and appointed, and by these presence do constitute and appoint you, Jno. N. Moss, Thomas Dobbins, and Martin Sesern, of Richmond county, in the state of Virginia, gentlemen, commissioners (any one or more of you to act) to take the testimony of such witnesses as may be brought before you, or any of you, either by your own summons or otherwise, an oath or affirmation, in due form, being first administered, relative to a certain claim of Joseph Janey, of Bowlers, Essex county, Virginia, against the United States; a particular description of which is contained in the annexed schedule; conforming yourselves in all respects to the rules and directions hereto attached. And all testimony so taken by you, you shall certify, under your hands or hand, (as the case may be,) and having duly executed the duties required by this commission, you shall return the same, with a report of all you proceedings thereon, under your seals or seal (as the case may be) to this office, on or before the first day of May next.

In testimony of the premises, I, the said Richard Bland Lee, have to these presents, at my office, in the city of Washington, affixed my signature, this twenty-third day of December, in the year 1816.

RICHARD BLAND LEE.

*Rules and Directions to the Commissioners.*

1. You will summon before you, and examine, the following witnesses, on the part of the United States, namely: \_\_\_\_\_

generally as to their knowledge of the matter in controversy, and as to the character of the witnesses produced by the claimant, if you shall deem this precaution necessary.

2. You shall examine the witnesses produced by the claimant; but no testimony must be taken but in conformity to the rules prescribed by the notice from this office, of the 3d of June, 1816, referring for your direction to the class of cases to which the particular claim before you belongs: A copy of which notice is therefore herewith enclosed.

3. Every witness examined must, in the first place, swear or affirm, that he has no interest, directly or indirectly, in the claim.

4. In your report, if you have doubts concerning the credibility of the witnesses, derived from their general character, or other circumstances, you must state the grounds of such doubts.

#### SCHEDULE.

Joseph Janey claims payment for four houses and their contents, in consequence of the military occupation of the said houses by the U. States, and the destruction thereof by the enemy, from that cause, \$7,656 25. This claim falls under the sixth class of cases.

The military occupation must be established, and the value of the houses at the time of destruction ascertained, from which must be deducted the value of the ruins. Disinterested master-builders must be examined on oath as to the value of the houses; and the best testimony which the nature of the case admits of, obtained, as to the value of the contents.

RICHARD BLAND LEE.

*Richmond County, to wit:*

Pursuant to the within commission, to me directed, I have proceeded to take the evidence herewith enclosed, of Richard Barnes, concerning the destruction of certain property destroyed, belonging to Joseph Janey. Given under my hand and seal, this 7th day of April, 1817.

THOMAS DOBYNS, *Comm'r*, [L. s.]

In the month of December, 1814, a few days after the British expedition of light vessels had descended the river Rappahannock, I rode over from Richmond County to Westmoreland Courthouse, on some private business; and, while at the Courthouse, was in company with Lieut. Anson, of the British navy, who appeared to me to be a shrewd, sensible man. In the course of a pretty lengthy conversation with him on the course of conduct then pursued by the enemy, he openly advocated all the acts and outrages committed by his countrymen.

He appeared particularly to justify the burning of some of our villages and dwellings, as measures of retaliation for alleged outrages

said to have been committed by our forces on the Canada frontier. On inquiry from me, as to their motive for burning Capt. Joseph Janey's houses, in Essex, (Vir.) he replied that the said Janey had made barracks of his house or houses.

Some other conversation passed between us, but, so far as my memory serves me, not of a nature to weaken the force of his statement, in relation to this observation about the burning of the house or houses. And on this point I further say not.

Given under my hand, on this seventh day of April, one thousand eight hundred and seventeen.

RICHARD BARNES.

*Richmond County, ss.*

Richard Barnes appeared before me, a magistrate for the county aforesaid, and made oath that he has no interest, directly or indirectly, in Capt. Joseph Janey's claim on the United States, and that the statement above is, to the best of his belief, true. Given under my hand, on this 7th of April, 1817.

MOORE F. BROCKENBROUGH.

VIRGINIA—*Richmond County, to wit:*

I, George Saunders, Clerk of the Court of the County Court aforesaid, do certify, that Moore F. Brockenbrough, whose signature is attached to the above certificate, is now, and was at the time of its execution, an acting magistrate in and for the said county, duly commissioned and qualified, and to all his acts and deeds as such due faith and credit is, and ought to be, given.

Given under my hand, and the seal of my office, this 7th day of April, one thousand eight hundred and seventeen.

GEORGE SAUNDERS, C. R. C.

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Be it known, That, pursuant to a law of the United States, entitled "An act to authorize the payment for property lost, captured, or destroyed, by the enemy, while in the military service of the United States, and for other other purposes," passed on the 9th day of April, 1816, that I, Richard Bland Lee, duly appointed by the President of the United States, by and with the advice and consent of the Senate, commissioner, to decide on certain cases arising under the aforesaid act, reposing special confidence in your honesty, ability, and diligence, have constituted and appointed, and by these presents do constitute and appoint you, John Treble, John Smith, and Henry Young, of Essex county, Virginia, gentlemen, commissioners (any one or more of you to act) to take the testimony of such witnesses as may be brought before you, or any of you, either by your own summons or otherwise, an oath or affirmation, in due form, being first administered, relative to a certain claim of Joseph Janey, residing at a place called Bowlers, in the county of Essex, State of

Virginia, against the United States; a particular description of which is contained in the annexed Schedule; conforming yourselves in all respects to the rules and directions hereto attached. And all testimony so taken by you, you shall certify, under your hands or hand, (as the case may be) and having duly executed the duties required by this commission, you shall return the same, with a report of all your proceedings thereon, under your seals or seal, (as the case may be) to this office, on or before the first day of March next.

In testimony of the premises, I, the said Richard Bland Lee, have to these presents, at my office, in the City of Washington, affixed my signature, this twenty-third day of December, in the year 1816.

RICHARD BLAND LEE.

*Rules and directions to the Commissioners.*

1. You will summon before you, and examine, the following witnesses on the part of the United States, namely, Wm. Oliver and James Cauthern, generally, as to their knowledge of the matter in controversy, and as to the character of the witnesses produced by the claimant, if you shall deem this precaution necessary.

2. You shall examine the witnesses produced by the claimant; but no testimony must be taken but in conformity to the rules prescribed by the notice from this office, of the 3d of June, 1816, referring for your direction to the class of cases to which the particular claim before you belongs: A copy of which notice is, therefore, herewith enclosed.

3. Every witness examined must, in the first place, swear or affirm, that he has no interest, directly or indirectly, in the claim.

4. In your report, if you have doubts concerning the credibility of the witnesses, derived from their general character, or other circumstances, you must state the grounds of such doubts.

SCHEDULE.

Joseph Janey claims payment for four houses and their contents, in consequence of the military occupation of the said houses by the U. States, and the destruction thereof by the enemy, from that cause, \$7656 25. This claim falls under the sixth class of cases.

The military occupation must be established, and the value of the houses at the time of destruction ascertained, from which must be deducted the value of the ruins. Disinterested master-builders must be examined, on oath, as to the value of the houses; and the best testimony which the nature of the case will admit of obtained, as to the value of their contents.

RICHARD BLAND LEE.

Estimate of the value of the property in question, according to the annexed Schedule, and which is supported by the depositions now enclosed, viz:

Value of the houses before their destruction, as per deposition of William Oliver and James Cauthern,	\$4,300 00
Deduct value of the walls, &c. as per same deposition,	300 00
	<hr/>
	\$4,000 00
Value of the property contained in the houses, as per deposition of Thomas Collins, jr.	1,340 25
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	<u>\$5,340 25</u>

Making five thousand three hundred and forty dollars and twenty-five cents.

JOHN SMITH,  
H. YOUNG, jun.

February 21, 1817.

I, Francis Smith, of the county of Essex, and state of Virginia, being called on to state what I know respecting the destruction of the houses of Joseph Janey, deposeseth and saith, that I was attached to the company of militia commanded by the said Joseph Janey, who was then captain; and that I joined the company about the 1st day of December, 1814, at the place called Bowlers, then owned by the said Joseph Janey. I was at Bowlers on Sunday evening, the 4th of December, when the enemy descended the river (Rappahannock) and landed at Bowlers, aforesaid, and saw the houses of the said Janey a few minutes after, burning. During the stay of the company above mentioned at Bowlers, we had the use of Captain Janey's houses for our accommodation, that is to say, the dwelling house, store house, cabins; and some of the men slept in one of the granaries; in all which we slept, kept our arms, ammunition, and baggage. I understood that we were stationed at Bowlers in consequence of orders from the colonel commandant. On Sunday evening, the 4th of December, aforesaid, we were compelled by superior force to retreat and abandon our post. The enemy immediately took possession, and burnt and destroyed whatever they found. In answer to a question from Capt. Janey, whether I believed his houses were burnt in consequence of being occupied by us, I answer that I believe that they would not have been burnt if they had not been so occupied. In answer to a question by the commissioners, how I understood that we were directed to be stationed at Bowlers, I answer, that I think I saw an order to that effect.

FRANCIS SMITH.

Francis Smith came before me, Laurence Muse, a justice of the peace for the county of Essex, and made oath to the truth of the foregoing deposition, and that he had no interest, directly or indirectly, in any of the aforesaid property. Given under my hand and seal, this 21st day of February, 1817.

LAURENCE MUSE, [L. s.]

The foregoing deposition of Francis Smith was this day taken before us, and made oath to before Laurence Muse, a justice of the peace for the county of Essex.

Given under our hands and seals, the date before mentioned.

JNO. SMITH, [L. s.]

H. YOUNG, JR. [L. s.]

The deposition of William Oliver and James Cauthern, master workmen, and skilled in the art of building houses, summoned by us, John Smith and Henry Young, two of the commissioners named by Richard B. Lee, Esq. Commissioner of Claims, and taken relative to a claim of Joseph Janey, of Bowlers, against the United States.

The deponents being questioned by us, on the part of the United States, as to the value of the property destroyed by the British, belonging to Joseph Janey, and situated at Bowlers, in the county of Essex, depose and say, that the said houses, namely: one dwelling house, one store house, and two granaries, were worth, at the time of their destruction, four thousand three hundred dollars.

Question, by the same.

What do you consider the walls and other parts, remaining, of the said houses, now worth?

Answer. Three hundred dollars. And further the said deponents say not.

WILLIAM OLIVER.  
JAMES CAUTHERN.

The above named William Oliver and James Cauthern appeared before me, a justice of the peace for the county of Essex, and made oath to the truth of the foregoing deposition, and that they have no interest, directly or indirectly, in any of the property within mentioned.

Given under my hand and seal, this 21st of February, 1817.

LAWRENCE MUSE, [L. s.]

The foregoing deposition was taken in our presence, and sworn to before Lawrence Muse, a justice of the peace for the county of Essex, we being appointed for the purpose.

Given under our hands and seals, the date above.

JOHN SMITH, [L. s.]

H. YOUNG, JR. [L. s.]

## STATE OF VIRGINIA.

I, William B. Matthews, clerk of the county court of Essex, do hereby certify, that Lawrence Muse, whose name is signed to the foregoing certificate, is a magistrate in and for the county aforesaid, duly commissioned and qualified according to law, and that full faith and credit is, and ought to be, given to all his official acts as such.

In testimony whereof, I have hereunto signed my name, and affixed the seal of the said county, this 22d day of February, 1817.

WILLIAM B. MATTHEWS.

The deposition of John Saddler, of lawful age, of the county of Essex, taken by us, two of the commissioners appointed for that purpose, by Richard Bland Lee, Esq. Commissioner of Claims, relative to a claim of Joseph Janey, against the United States.

This deponent saith, that he was ensign in the company of Captain Joseph Janey, and stationed at Bowlers at the time the British came up the river Rappahannock, in December, 1814: that the company aforesaid occupied the houses at Bowlers, belonging to captain Janey, and that he saw an order from Major Samuel Muse, who acted under the authority of Col. A. Ritchie, colonel commandant, of Essex county, directing him, the said Joseph Janey, to assemble his company and remain at Bowlers, until further orders, with a view partly to watch the movements of the enemy: that the said Joseph Janey, with his said company, did assemble and remain at Bowlers till Sunday the 4th day of December, 1814, when they were driven from their ground by superior force of the enemy, except for a small space of time, when the said Janey had started for Tappahannock, but, on meeting Captain Layton, who delivered orders from Colonel Ritchie to remain at Bowlers, he immediately returned with his company, and there remained as aforesaid; further this deponent saith not.

JOHN SADDLER.

The within named John Saddler came before me, Lawrence Muse, a justice of the peace for the county of Essex, and made oath to the truth of the within deposition, and also, that he is not, directly or indirectly, interested in any of the property mentioned therein.

Given under my hand and seal, this 21st of February, 1817.

LAWRENCE MUSE, [L. s.]

The within deposition was this day taken in our presence, we being named in the commission for the purpose, and was sworn to before Lawrence Muse, a justice of the peace for the county of Essex.

Given under our hands and seals, the date above.

JOHN SMITH, [L. s.]

H. YOUNG, JR. [L. s.]

The deposition of Thomas Collins, jun. of lawful age, taken this 21st February, 1817, before us, two of the Commissioners appointed by Richard Bland Lee, Esq. Commissioner of Claims, for the destruction of property during the late war, &c. relative to a claim of Joseph Janey vs. the United States.

This deponent saith, that he was the principal clerk of Joseph Janey, at the time the British came up the Rappahannock, and destroyed the property at Bowlers; that he was well acquainted with all the property in the said store, dwelling, and warehouses, and, at the time of the destruction of said houses, he knew there were in them, eighty barrels of corn; one hundred and forty bushels beans; thirty bushels peas; one hundred and seventy bushels wheat; a pair of scales; four half-bushel measures; one hundred bushels salt; a parcel of stone ware; one barrel rectified whiskey; one barrel linseed oil; some common whiskey; some apple brandy; several articles in the store, and many articles of furniture in the dwelling house; all of which were destroyed or taken off by the British at the time of burning the houses aforesaid.

Question by the Commissioners, in behalf of the United States.

What do you suppose was the value of the above articles?

Answer. By a calculation, I believe them to be worth one thousand three hundred and forty dollars and twenty-five cents.

And further this deponent saith not.

THOS. COLLINS, JR.

The above named Thomas Collins, jun. made oath, before me, a justice of the peace for the county of Essex, to the truth of the foregoing deposition, and that he had no interest, directly or indirectly, in any of the property therein named. Given under my hand and seal, this 21st day of February, 1817.

LAWRENCE MUSE. [L. s.]

The foregoing deposition was taken, and sworn to, before us, two of the Commissioners appointed for that purpose. Given under our hands and seals, the date above.

JOHN SMITH, [L. s.]

H. YOUNG, jr. [L. s.]

The deposition of Charles G. Layton, taken this 21st February, 1817, before us, two of the Commissioners appointed for the purpose, by Richard Bland Lee, Esq. Commissioner of Claims for destruction of property during the late war, &c. relative to a claim of Joseph Janey vs. the United States.

This deponent saith, that he was in the employment of Captain Joseph Janey at the time the British destroyed the store house, granaries, &c. at Bowlers, and was acquainted with the most of the contents of the warehouses at the time of their destruction, in one of

which he knew there was eighty barrels of corn; one hundred and forty bushels beans; thirty bushels peas; one hundred and seventy bushels wheat; a pair of scales; four half-bushel measures; and one hundred bushels salt; that he knew there were several articles in the other warehouse, but does not know particularly what they were.

Question by the Commissioners, in behalf of the United States.

How came you to know the particulars in one granary, and not the other?

Answer. I had received a part of the articles mentioned, in the vessel I commanded, particularly the peas, beans, and wheat, which was intended to be shipped; but, such was the alarm about that time, and the report of the British coming up the Rappahannock, the peas and beans, and part of the wheat, first taken in, were relanded, and put in one of the said warehouses.

Question by the same.

Do you know that the houses of Captain Janey were occupied by a company of militia, under the order of the colonel commandant of Essex county?

Answer. Yes, and when I waited on the colonel to get a flag, to go down for my vessel, which the British had taken, he told me to tell Captain Janey to remain at Bowlers until further orders. On my return to Bowlers, I met Captain Janey and his company going to Tappahannock, where the colonel commandant was, and, as soon as I delivered the orders from Colonel Ritchie, he immediately returned to Bowlers, with his said company, and there remained till driven from his ground by superior force of the British, when they immediately put fire to the buildings.

Further this deponent saith not.

CHARLES G. LAYTON.

The annexed deposition of Charles G. Layton was this day made oath to, before me, Lawrence Muse, a justice of the peace for the county of Essex; and that he, the said Layton, was not, directly or indirectly, interested in the property therein named. Given under my hand, this 21st day of February, 1817.

LAWRENCE MUSE. [L. s.]

The foregoing deposition was taken, and sworn to, before us, two of the Commissioners appointed for that purpose. Given under our hands and seals, this 21st February, 1817.

JOHN SMITH. [L. s.]

H. YOUNG, Jr. [L. s.]

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Be it known, pursuant to two laws of the United States, the one entitled "An act to authorize the payment for property lost, captured, or destroyed, by the enemy, while in the military service of the United States, and for other purposes," passed on the 9th day of

April, 1816, and the other entitled "An act to amend the act authorizing the payment for property lost, captured, or destroyed, by the enemy, while in the military service of the United States, and for other purposes," passed on the 3d day of March, 1817, that I, Richard Bland Lee, duly appointed by the President of the United States, by and with the advice and consent of the Senate, Commissioner, under the first recited act, reposing special confidence in your honesty, ability, and diligence, have constituted and appointed, and, by these presents, do constitute and appoint, you, George W. Banks, Samuel Muse, and John Treble, gentlemen, commissioners (any one or more of you to act) to take the testimony of such witnesses as may be brought before you, or any of you, either by your own summons or otherwise, an oath or affirmation, in due form, being first administered by either of you, relative to a certain claim of Joseph Janey, of Virginia, against the United States; a particular description of which is contained in the annexed schedule; conforming yourselves in all respects to the rules and directions hereto attached. And all testimony so taken by you, you shall certify, under your hands or hand, (as the case may be,) and, having duly executed the duties required by this commission, you shall return the same, under a sealed cover, by mail, with a report of all your proceedings thereon, to this office, on or before the 1st day of June next.

Before you proceed to act, you will take "an oath, before some officer authorized by law to administer the same, *'that you will faithfully and impartially execute the duties assigned to you by this commission,'*" a certificate of which, from the officer administering the same, you will transmit with the report of your proceedings.

In testimony of the premises, I, the said Richard Bland Lee, have to these presents, at my office in the city of Washington, affixed my signature, this nineteenth day of February, in the year 1818.

RICHARD BLAND LEE.

*Rules and Directions to the Commissioners.*

1. You will summon before you, and examine, the following witnesses, on the part of the United States: namely, — —, and such other persons as you may believe can testify, as to the subject claimed, favorably to the interests of the United States, generally as to their knowledge of the matter in controversy, and as to the character of the witnesses produced by the claimant, if you shall deem this precaution necessary.

2. You shall examine the witnesses produced by the claimant; but no testimony must be taken but in conformity to the rules prescribed by the notice from this office, of the third of June, 1816, referring for your direction to the class of cases to which the particular claim before you belongs: A copy of which notice is therefore herewith enclosed.

3. Every witness examined must, in the first place, swear or affirm that he has no interest, directly or indirectly, in the claim.

4. In your report, if you have doubts concerning the credibility of

the witnesses, derived from their general character, or other circumstances, you must state the grounds of such doubts.

*Schedule.*

Captain Janey claims payment for a house destroyed by the enemy. This claim falls under the sixth class of cases.

R. B. LEE.

The affidavit of John Saddler, who appeared before us in behalf of Joseph Janey, in the case of Janey vs. The United States, for compensation for property destroyed by the enemy:—The said Saddler states that he does not consider that the granary named in the application for compensation was necessarily consumed by the conflagration of the other houses, but that there were deposited in the granary, arms, &c. belonging to the militia of Essex county, stationed at Bowlers for the defence of the property lying on the Rappahannock, and that he believes that the granary was consumed by fire communicated to it by the British, at the same time that the other houses were consumed.

The affidavit of Anthony Haynes goes to the establishment of precisely the same facts as the above affidavit of John Saddler.

The affidavit of Francis Smith goes to the establishment of the same facts, with the exception of the deposite of arms, of which he is ignorant; except that, on the morning after the burning of the granary, he saw a musket barrel amidst the ruins of the granary, which was claimed by a soldier the next morning, who was absent on the day of the conflagration.

No one appeared, and we knew of no one to summon, to depose any opposing testimony, on the part of the United States.

The foregoing testimony was given upon oath, before us, by Anthony Haynes, John Saddler, and Francis Smith, three credible witnesses, introduced by Joseph Janey, in pursuance of the power vested in us by the enclosed authority.

Given under our hands and seals, this 10th March, 1818.

GEO. W. BANKS.  
SAMUEL MUSE.

*Essex County, to wit:*

George W. Banks and Samuel Muse, Esquires, of the county aforesaid, this day personally appeared before me, Kemp Gatewood, a justice of the peace for the county aforesaid, and made oath before me, that they will faithfully and impartially execute the duties assigned to them by the commission, dated February 19th, 1818, signed Richard Bland Lee, relative to a certain claim of Joseph Janey against the United States, and authorizing the said Banks and Muse, and John Treble, (any one or more of them to act,) to take the testimony

of such witnesses as may be brought before them. Witness my hand, this 10th day of March, 1818.

### KEMP GATEWOOD.

STATE OF VIRGINIA.—*Essex County Court Office.*

As Clerk of the Court of the said county, I do certify, that Kemp Gatewood, Esq. whose name is signed to the above certificate, is a justice of the peace for the said county, duly commissioned and qualified, according to the laws of the said state; and that full faith and credit is, and ought to be, given to all his official acts, as well in court and without.

[L. S.]

In testimony whereof, I have hereunto signed my name, and caused the seal of my office to be affixed, this 14th day of March, 1818, and 42d year of the Commonwealth.

WILLIAM B. MATTHEWS.

I do by these presents certify, That I received information at my house, in the county of Essex, on the 30th day of November, 1814, that the enemy was ascending the river Rappahannock, doubtless with a view to seize upon, and plunder, the town of Tappahannock; that I, the same evening, repaired to Tappahannock, and did, soon after my arrival, direct Major Samuel Muse to issue an order to Captain Jos. Janey, (then commandant of a company of militia,) to assemble his company, and to station it at the place commonly called Bowlers, on the Rappahannock, about ten miles lower down the river than the town; that Captain Janey, in obedience to the aforesaid order, did promptly assemble his company, to watch the movements of the enemy, to protect the farms in the neighborhood from pillage by the marauding parties of the enemy, and to prevent the negroes from seizing the boats on the river, and going off to the enemy; that Captain Janey remained with his command at Bowlers until the 4th day of December, the day on which the enemy descended the river, and until he was driven from his position by superior numbers of the enemy; that the enemy took possession of the place commonly called Bowlers, in the afternoon of the 4th; that all the houses at that place were the property of, and occupied by, Captain Janey; that Captain Janey's company was barracked in some of the houses, and that all, or the greater and most valuable part of the houses were burned by the enemy, on the evening of the aforesaid 4th day of Dec. 1814. With much pleasure, I do further certify, that Capt. Janey is one of those naturalized foreigners who has given numerous and practical proofs of his devotedness to the honor and glory of his adopted country. I will only mention his good conduct at the White House on the Potomac, where he attracted the attention of Commodore Porter, and received an honorable testimonial of the same. Given under my hand, this 5th day of December, 1816.

ARCHIBALD RITCHIE,

*Lieut. Col. Com. 6th Reg't. Virginia Militia.*

**STATE OF VIRGINIA:**

I, William B. Matthews, Clerk of the County Court of Essex, do certify, that Archibald Ritchie, whose name is signed to the foregoing certificate, is Lieutenant Colonel Commandant of the sixth regiment Virginia militia, as certified by him.

[L. S.]

In testimony whereof, I have hereunto signed my name, and affixed the seal of the said county, this 22d day of February, 1817.

**WILLIAM B. MATTHEWS.**

